

Improvement Res. No. 1364-74

Dunring Ave from  
spl. of Lathert Lane  
to npl of Fernhill Ave.

Resolution Adopted:

July 17, 1974

Confirmed:

Aug. 8, 1974

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Sept. 5, 1974

B.O. 43-74

DECLARATORY RESOLUTION NO. 1364-1974

for the vacation of the first alley east of  
Dusing Avenue from the south property line of Rathert  
Lane to the north property line of Fernhill Avenue.

ADOPTED: July 17, 1974

ADVERTISE NOTICE TO PROPERTY OWNERS: July 19 and 26, 1974

NOTICES MAILED: July 26, 1974

HEARING ON CONFIRMATION: Thurs. Aug. 8, 1974 at 3:30 p.m.

CONFIRMED: August 8, 1974

ASSESSMENT ROLL ORDERED: August 8, 1974

ASSESSMENT ROLL APPROVED: August 15, 1974

HEARING ON CONFIRMATION OF A. R.: Thurs. Sep. 5, '74  
at 3:30 p.m.

NOTICE SERVED: Aug. 23, '74

ASSESSMENT ROLL CONFIRMED. September 5, 1974

to D. of F.

7/16/74

For the Vacation - ~~Opening - Condemnation of right of way~~ of the first alley east of Dusing Avenue from the south property line of Rathert Lane to the north property line of Fernhill Avenue.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the first alley east of Dusing Avenue from the south property line of Rathert Lane to the north property line of Fernhill Avenue.

NOTE: The entire 12 foot wide vacated alley shall revert back to Lots 6, 7, 12, 13, 18, 19 and 27, all in Fernhill Place Amended Addition, because it was originally appropriated from this addition.

All as shown by a plan of such proposed Vacation - ~~Opening - Condemnation of right of way~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - ~~Opening - Condemnation of right of way for utility purposes~~ is described as follows: Lots #6, 7, 12, 13, 18, 19 and 27, all in Fernhill Place Amended Addition and Lot #4, Fernhill Place Addition. Said additions are inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The south 387 feet of the ~~vacation of the above described~~ alley shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, ~~water mains, gas mains,~~ electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the northeast quarter Section Twenty five, Township 31 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

16

DAY OF

19

74

Attest:

*Frank Smith*  
Secretary Board of Public Works.

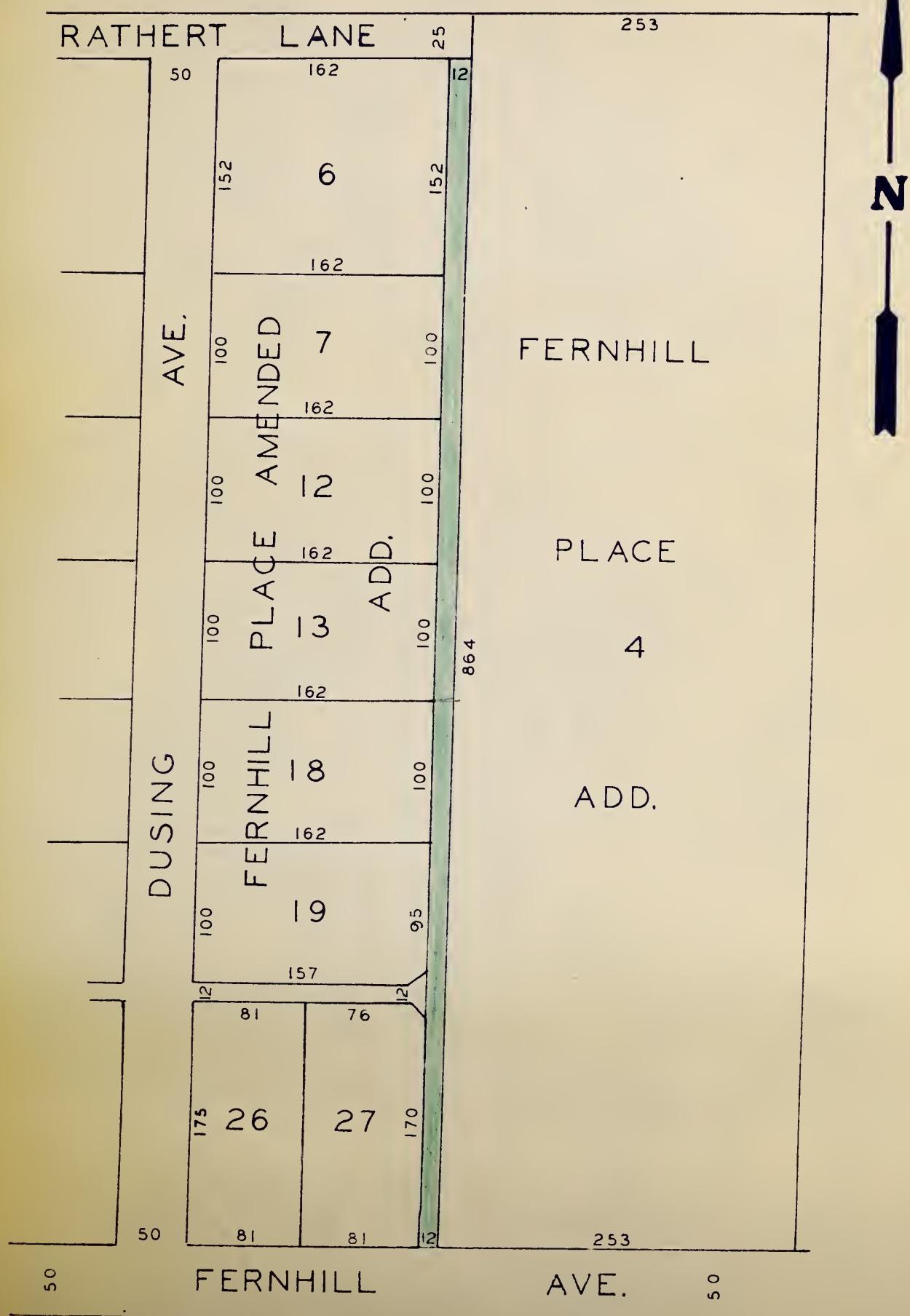
*Ronald T. Barnes*

Board of Public Works.





ALLEY TO BE VACATED



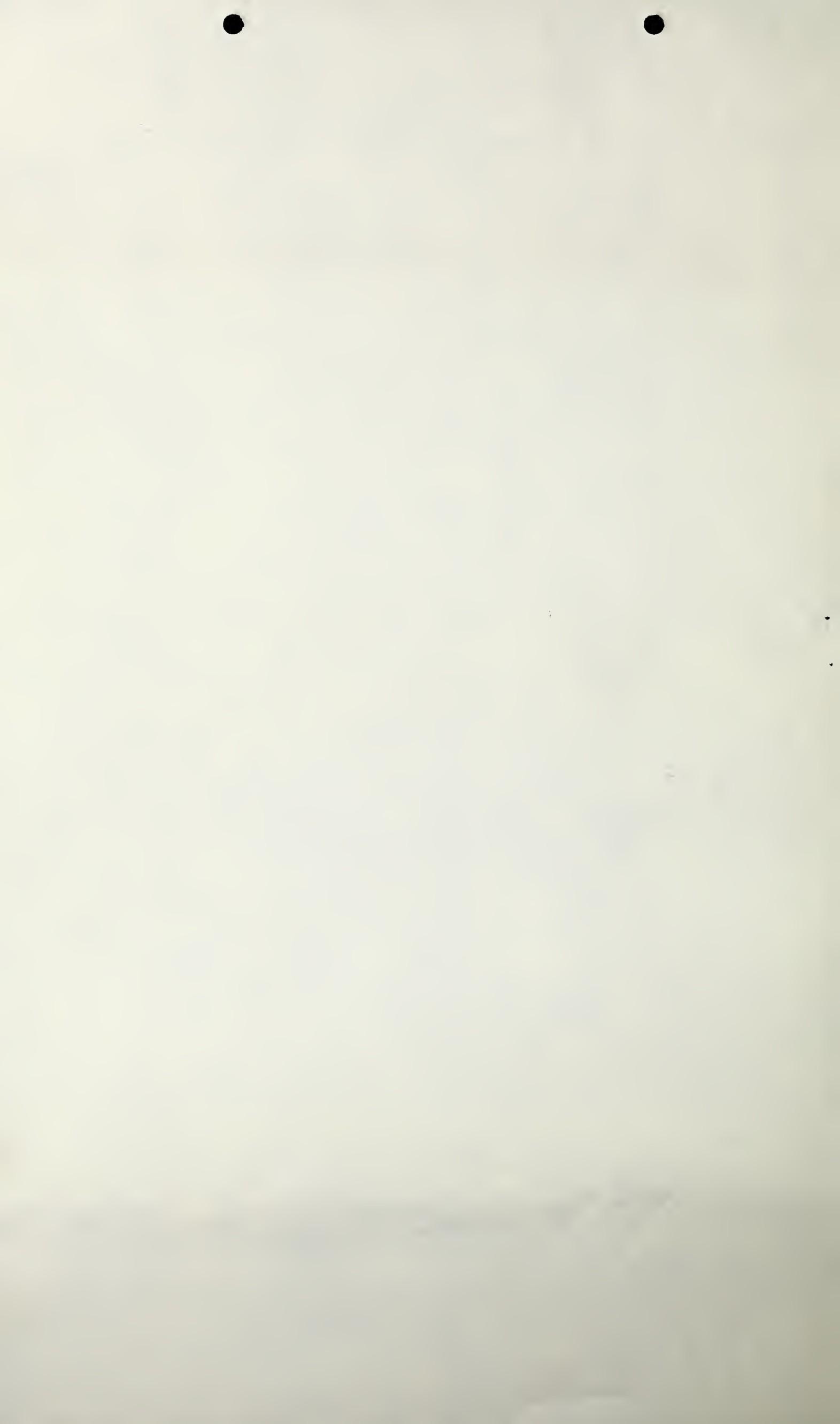
50

FERNHILL

AVE.

50

1364



STATE OF INDIANA)  
                     ) SS:  
COUNTY OF ALLEN )

BEFORE THE CITY PLAN COMMISSION  
OF THE CITY OF FORT WAYNE,  
INDIANA and THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE,  
INDIANA

PETITION TO VACATE ALLEY

Comes now LAKE COUNTY TRUST COMPANY, not individually but as Trustee under a Trust Agreement dated December 16, 1968, and known as Trust No. 1471, by Landau, Heyman & Clay, Inc., its authorized agent, and hereby petitions the City Plan Commission of the City of Fort Wayne and the Common Council of the City of Fort Wayne, Indiana, for the vacation of that certain public alley located in the City of Fort Wayne, Allen County, Indiana, and described as follows:

The North-South alley, approximately twelve (12) feet in width, between Rathert Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

In support of its petition, Petitioner represents as follows:

1. That your petitioner is the fee simple owner of Lot No. 4 in Fernhill Place Addition, according to the plat thereof recorded in Plat Record 6, page 30, in the office of the Recorder of Allen County, Indiana.

2. That your petitioner is the owner of Lots No. 6, 7, 12 and 13 in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

3. That Harry Papier, Agnes Papier and Barb Papier are the owners of Lot No. 18 in Fernhill Place Amended Addition,

THESE ACCORDINGLY ARE THE CANT BLOWS  
WHICH ARE RECORDED IN THE  
JOURNAL, WHICH ARE THE ALIEN  
CANT BLOWS AS THEY ARE TO  
THE CANT BLOWS OF THE  
ANIMALS.

COMMAND NO. DEATS  
32. 1. 1918 NO. 1000

THE UNIVERSITY OF TORONTO LIBRARIES

Country, though, but demanded that he come back to him. He had been  
told that the King had sent him to the country to see if he could  
not find out what had become of his son. The King said, "I have  
no son, but I have a daughter who is very ill. If you will go to  
the country and bring her back to me, I will give you a  
large sum of money." The man said, "I will go, but I must  
have a horse and a carriage. You will give me a horse and a carriage,  
and I will go to the country and bring your daughter back to you.  
If you do not give me a horse and a carriage, I will not go."  
The King said, "I will give you a horse and a carriage, but I  
will not give you any money. You must work for me and earn  
your own living." The man said, "I will work for you and earn  
my own living, but I must have a horse and a carriage. You  
will give me a horse and a carriage, and I will go to the country  
and bring your daughter back to you. If you do not give me a  
horse and a carriage, I will not go."

20. XMAS 1974 AND 2012 THE TERRIBLE TWO

500 CALIFORNIA AVENUE, SAN FRANCISCO, CALIFORNIA

at Anthony's Pointe between State Highway 111 and St. Hwy 31.

and the following day he was taken to see the King of Siam.

Ernest R. Verhest and M. M. Verhest are the owners of Lot No. 19 in Fernhill Place Amended Addition, and Raymond Junk and M. Junk are the owners of Lot No. 27 in Fernhill Place Amended Addition, all according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

4. That your petitioner and the said Harry Papier, Agnes Papier, Barb Papier, Ernest R. Verhest, M. M. Verhest, Raymond Junk, and M. Junk, are the owners of all the real estate abutting on either side of said alley.

5. That the alley to be vacated has never been improved, has rarely been open to the public, is not needed for ingress or egress or as a right-of-way to your petitioner, or to any of the abutting property owners, or to any of the citizens of the City of Fort Wayne, Indiana; and that it is petitioner's belief that the vacation of said alley is not required for the growth of the City of Fort Wayne nor necessary for ingress and egress to any real estate within the City.

6. That your petitioner has reason to believe that a sewer line exists beneath a portion of the alley proposed to be vacated, and that your petitioner will co-operate fully in granting to the City of Fort Wayne, Indiana, an easement for the purpose of maintaining said sewer line.

7. That your petitioner believes that the vacation of said alley will enable your petitioner and all abutting land owners to said alley to make advantageous and proper development of the property for the public and private interest of the City of Fort Wayne, Indiana.

on you to ensure all this becomes an issue because I believe  
this issue, which will have significant implications on our leadership and  
the way we lead our business, needs to be addressed now. The  
first of these issues is the lack of clarity on what is feasible  
and what is not. We need to understand what is feasible  
and what is not. This is a critical issue for us as we move forward.  
The second issue is the lack of clarity on what is acceptable  
and what is not. We need to understand what is acceptable  
and what is not. This is a critical issue for us as we move forward.  
The third issue is the lack of clarity on what is feasible  
and what is not. We need to understand what is feasible  
and what is not. This is a critical issue for us as we move forward.  
The fourth issue is the lack of clarity on what is acceptable  
and what is not. We need to understand what is acceptable  
and what is not. This is a critical issue for us as we move forward.  
The fifth issue is the lack of clarity on what is feasible  
and what is not. We need to understand what is feasible  
and what is not. This is a critical issue for us as we move forward.  
The sixth issue is the lack of clarity on what is acceptable  
and what is not. We need to understand what is acceptable  
and what is not. This is a critical issue for us as we move forward.  
The seventh issue is the lack of clarity on what is feasible  
and what is not. We need to understand what is feasible  
and what is not. This is a critical issue for us as we move forward.  
The eighth issue is the lack of clarity on what is acceptable  
and what is not. We need to understand what is acceptable  
and what is not. This is a critical issue for us as we move forward.  
The ninth issue is the lack of clarity on what is feasible  
and what is not. We need to understand what is feasible  
and what is not. This is a critical issue for us as we move forward.  
The tenth issue is the lack of clarity on what is acceptable  
and what is not. We need to understand what is acceptable  
and what is not. This is a critical issue for us as we move forward.

8. That your petitioner has filed with the Board of Public Works of the City of Fort Wayne a petition in regard to the vacation of this alley and has requested appropriate resolution and action by the Board of Public Works of the City of Fort Wayne, Indiana.

WHEREFORE, the undersigned, Lake County Trust Company, prays for the vacation of this alley according to the provisions of the Indiana law pertaining thereto and for all other proper relief.

LAKE COUNTY TRUST COMPANY,  
Trustee under Trust Agreement  
dated December 16, 1968, known  
as Trust No. 1471 by Landau,  
Heyman & Clay, Inc., its duly  
authorized agent.

By Edwin Rousseau  
Edwin Rousseau  
Agent for Landau, Heyman  
& Clay, Inc.



61-211-13  
11/25/74

NUNC PRO TUNC ENTRY BY BOARD OF PUBLIC WORKS CORRECTING QUARTER SECTION

DECLARATORY RESOLUTION NO. 1364-1974

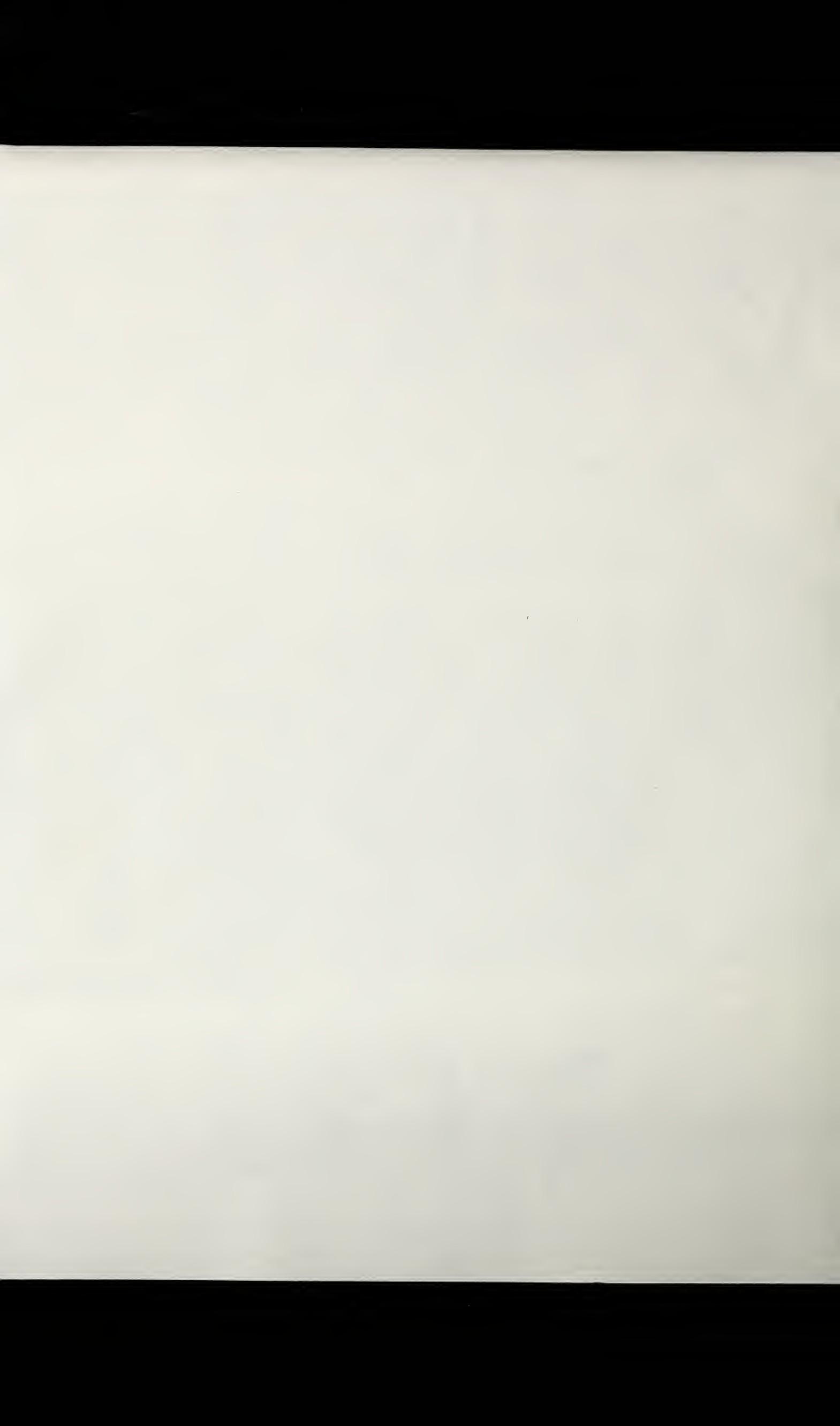
Comes now Kenneth Traylor, Street Engineer, and shows to the Board of Works that through a scrivener's error, a mistake was made in the last paragraph of Resolution for Vacation of the first alley east of Dusing Avenue from the south property line of Rathert Lane to the north property line of Fernhill Avenue, which Resolution was adopted July 17, 1974.

NOW, BE IT RESOLVED that Resolution 1364-1974 be amended Nunc Pro Tunc to provide change in last paragraph of words "northeast Quarter Section Twenty-five" to read "northeast Quarter Section Twenty-six".

Amended Resolution is hereby adopted and incorporated in Minute Record Book 61.

APPROVED  
Board of Public Works

George D. Powell  
Carl E O'Neal  
Glenn Conkling



*AMENDED*  
DECLARATORY RESOLUTION No. 1364 1974

For the Vacation - Opening - Condemnation of right of way for utility purposes of the first alley east of Dusing Avenue from the south property line of Rathert Lane to the north property line of Fernhill Avenue.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the first alley east of Dusing Avenue from the south property line of Rathert Lane to the north property line of Fernhill Avenue.

NOTE: The entire 12 foot wide vacated alley shall revert back to Lots 6, 7, 12, 13, 18, 19, and 27, all in Fernhill Place Amended Addition, because it was originally appropriated from this addition.

All as shown by a plan of such proposed Vacation - Opening - Condemnation of right of way for utility purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation - Opening - Condemnation of right of way for utility purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - Opening - Condemnation of right of way for utility purposes is described as follows: Lots #6, 7, 12, 13, 18, 19, and 27, all in Fernhill Place Amended Addition and Lot #4, Fernhill Place Addition. Said additions are inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The south 387 feet of the alley shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described vacation are situated in the northeast quarter Section Twenty six, Township 31 north, Range 12 east, and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

25<sup>th</sup>

DAY OF

November 1974

Attest:

*Eva L. Smith*  
Secretary Board of Public Works.

*Carl E. O'Toole*  
Board of Public Works

44 subsp.

8-73

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 43-74

Date August 8, 1974

To STREET ENGINEERING DEPARTMENT

Subject Dec. Res. No. 1364-74 Dusing Avenue (Rathert Lane - Fernhill Ave.)

CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages.

J. D. BOSWELL  
R. L. BONAR  
W. G. WILLIAMS  
BOARD OF PUBLIC WORKS

ajf

Enc. P.O. List

Signed

Reply:

RECEIVED

August 12, 1974

AUG 8 1974

Assessment roll of benefits and damages completed and attached.

CITY ENGINEERING DEPT.

Kenneth N. Traylor  
Street Engineer

lc  
attachs.

61-90-8  
8/17/74

Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY



B.O. 43-74

August 8, 1974

STREET ENGINEERING DEPARTMENT

Dec. Res. No. 1364-74 Dusing Avenue (Rathert Lane - Fernhill Ave.)

CONFIRMED.

Please prepare Assessment Roll of Benefits and Damages.

J. D. BOSWELL  
R. L. BONAR  
W. G. WILLIAMS  
BOARD OF PUBLIC WORKS

ajf

Enc. P.O. List



# Department of Public Works

**Office of the Board: Room No. 910 City–County Building**

Fort Wayne, Indiana, August 23 1974.

**City:**

Notice is hereby given you that an assessment of benefits, or award of damages, on account  
for the vacation of the first alley east of Dusing Avenue from the South Property  
Line of Rathert Lane to the North Property Line of Fernhill Avenue.....

has been made against property, situated in the City of Fort Wayne, in Allen County, State of Indiana, recorded as being owned by you, known and described as follows, which assessment of benefits is set opposite said description:

## BENEFITS                  DAMAGES

\$1.00 \$1.00

All in pursuance to Declaratory Resolution No. 1364-1974, adopted by the Board of Public Works of said City, on the 17th day of July, 1974, authorized by the provisions of an act of the General Assembly of the State of Indiana, approved March 6th, 1905. Entitled "An Act Concerning Municipal Corporations," and under all acts amendatory thereto and supplemental thereof.

The Board of Public Works will meet, in its office, at..... 3:30.....o'clock P. M., on the  
5th.....day of September....., 19.....74, for the purpose of hearing and  
considering any remonstrance which you may desire to present in regard to the amount of your  
assessment of benefits or award of damages, as aforesaid.

By Order of

## **BOARD OF PUBLIC WORKS.**

**NOTICE  
OF ASSESSMENT OF BENEFITS  
OR AWARD OF DAMAGES**

..... Against .....

..... Account Declaratory Res. 1364-1974

Served on ..... by reading and leaving a copy at

No. .... Street  
on the ..... day of ..... 19.....

Served by



THE CITY OF FORT WAYNE  
board of public works

August 1, 1974

SUBJECT: Public Hearing on Confirmation

Dear Councilman Hinga:

Please be advised that the Board has scheduled a public hearing Thursday,  
August 8, 1974 at 3:30 p.m. concerning the following  
project(s):

DECLARATORY RESOLUTION NO. 1364-1974 - Dusing Avenue & Rathert Lane area  
(alley)

You are invited to attend this public hearing and hear the comments of  
your constituents regarding the project(s). If you have any questions  
on the project(s), please feel free to call.

Sincerely,

Jerry D. Boswell  
Ronald L. Bonar  
William C. Williams  
BOARD OF PUBLIC WORKS

/bt

cc: Mayor



OFFICE OF  
BOARD OF PUBLIC WORKS



- FORT WAYNE 2, INDIANA

B. O. 00043-74

Date April 9, 1974

To Ken Traylor - Street Engineer

Subject Vacation - Alley between Rathert Lane and Fernhill Avenue

Attached is copy of petition submitted to us by City Plan for above subject.

It is my understanding this is being introduced in the Council, April 9, 1974.

Attorney Larry Shine will be contacting Max regarding the project.

BOARD OF PUBLIC WORKS

E. Anna Smith  
CLERK

RECEIVED

APR 9 1974

CITY ENGINEERING DEPT.

attachment: 1

Signed

Reply:

Declaratory Resolution No. 1364-1974, drawing and property ownership list completed and attached.

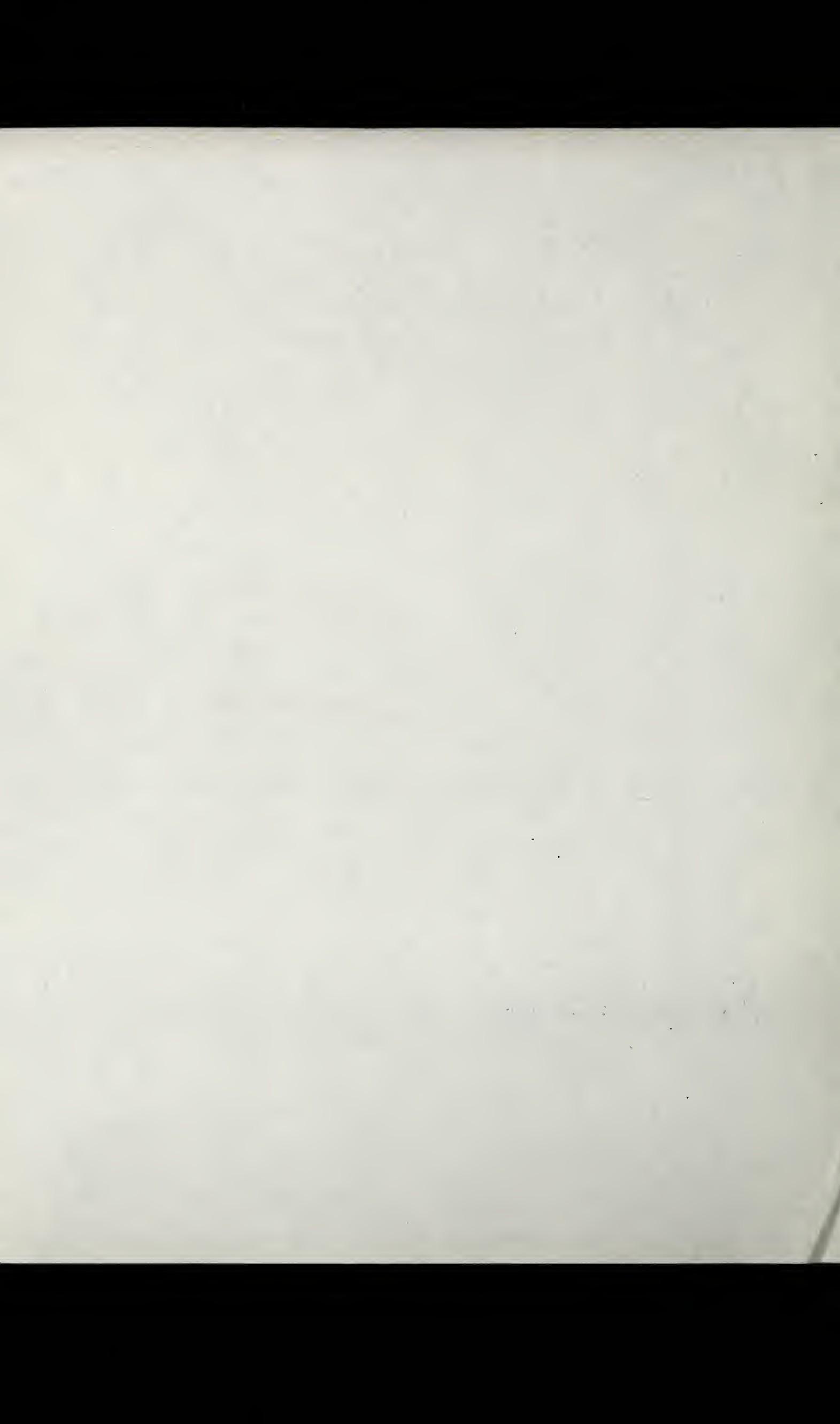
Kenneth N. Traylor  
Kenneth N. Traylor  
Street Engineer

lc  
attachs.

61-53-7

Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY



61-53-7

NOTICE TO PROPERTY OWNERS

Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 16th day of July, 1974 the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION NO. 1364-1974

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the first alley east of Dusing Avenue from the south property line of Rathert Lane to the north property line of Fernhill Avenue.

All as shown by a plan of such proposed Vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, the 8th day of August, 1974 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

Jerry D. Boswell  
Ronald L. Bonar  
William G. Williams  
BOARD OF PUBLIC WORKS

ATTEST: Edna I. Smith, Clerk

PUBLISH: July 19 & 26, 1974

/bt



## Memorandum

To Board of Public Works, Attn: Edna Smith

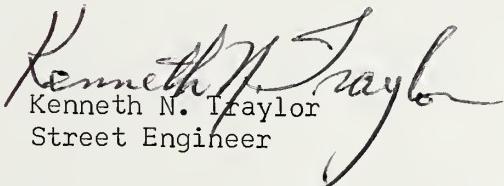
Date November 20, 1974

From Kenneth N. Traylor, Street Engineer

Subject Declaratory Resolution No. 1364-1974 Correction

### COPIES TO:

Please make nunc pro tunc entry in Board Minutes to correct the last paragraph of the attached Declaratory Resolution No. 1364-1974 to read Section twenty-six and not Section twenty-five as entered in the minutes.

  
Kenneth N. Traylor  
Street Engineer

  
Ron Banan  
City Engineer

lc  
attach.



N O T I C E   T O   P R O P E R T Y   O W N E R

---

Office Board of Public Works  
City Hall  
Fort Wayne, Indiana.....July. 26, 1974.....

To.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did adopt Declaratory Resolution No. 1364-1974..... providing for the vacation of the first alley east of Dusing Avenue from the south property line of Rathert Lane to the north property line of Fernhill Avenue.

The Board has fixed Thursday, August 8, 1974 at 3:30, Room 910, City-County Bldg. a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by said Declaratory Resolution.

PROPERTY DESCRIPTION:

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS



# City of Fort Wayne

fl



ENGINEERING DEPARTMENT

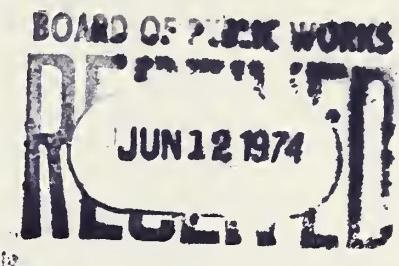
FORT WAYNE, INDIANA

CITY COUNTY BUILDING

Room 740

June 11, 1974

Northern Indiana Public Service Company  
Indiana & Michigan Electric Company  
General Telephone Company of Indiana



We have received a petition to vacate the following:

The first alley east of Dusing Avenue from the south property line of Rathert Lane to the north property line of Fernhill Avenue.

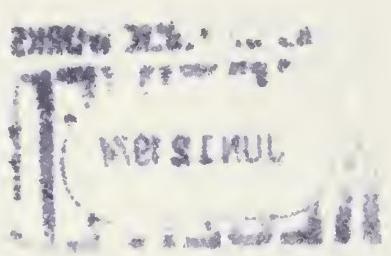
Please check your easement requirements on the enclosed post card and return to us as soon as possible.

Yours truly,

  
Kenneth N. Traylor  
Street Engineer

lc  
attachs.

xc: Board of Public Works ✓  
(Board Order No. 43-74)



June 11, 1974

Richard Wanush  
City Plan Director

Tom Manny  
Traffic Engineer

Please submit your opinion and recommendation on the following proposed vacation:

The first alley east of Dusing Avenue from the south property line of Rathert Lane to the north property line of Fernhill Avenue.

*Kenneth N. Traylor*  
Kenneth N. Traylor  
Street Engineer

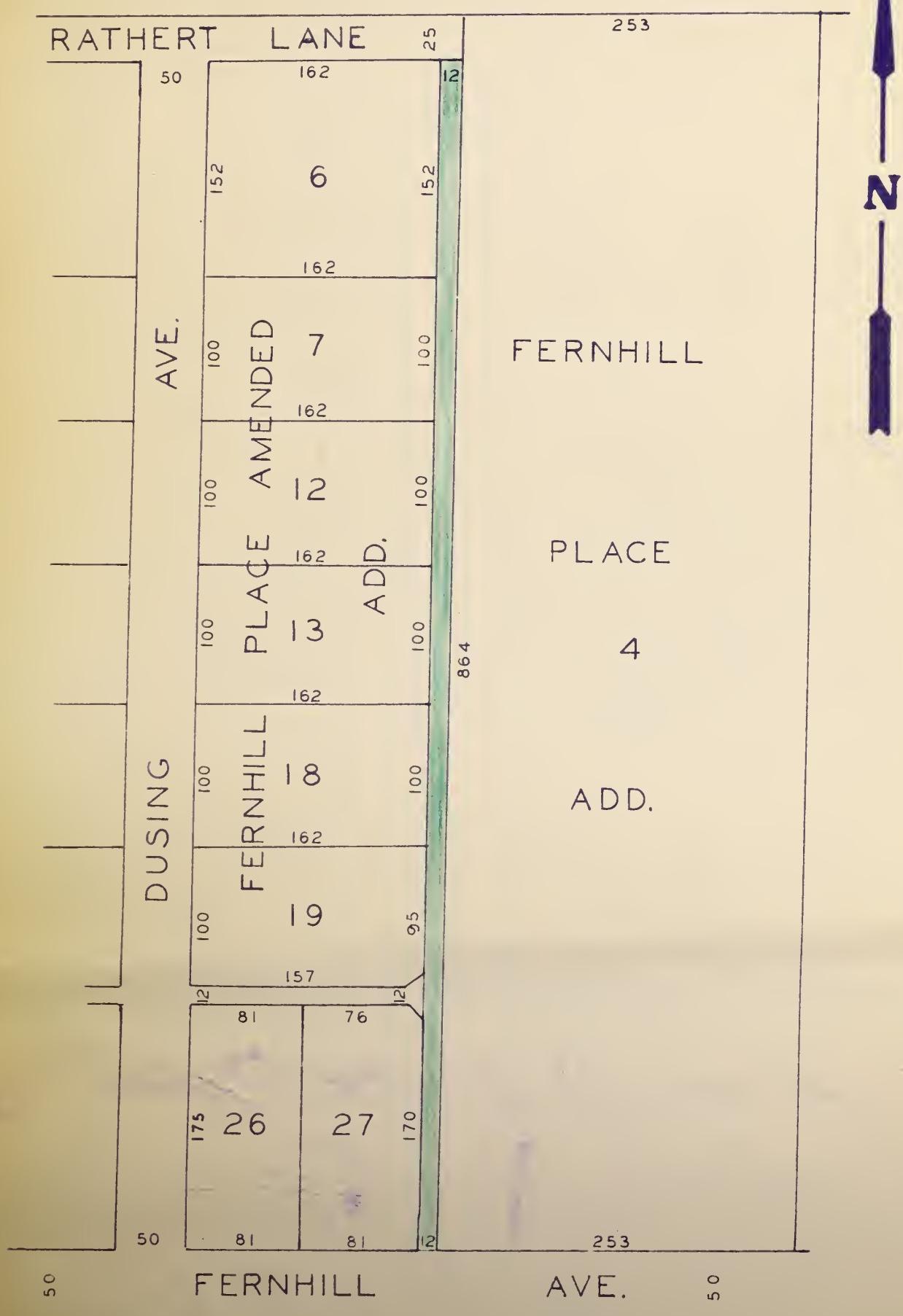
lc  
attachs.

xc: Board of Public Works ✓  
(Board Order No. 43-74)





ALLEY TO BE VACATED





B. O. 00043-74

April 9, 1974

Ken Traylor - Street Engineer

Vacation - Alley between Rathert Lane and Fernhill Avenue

Attached is copy of petition submitted to us by City Plan for above subject.

It is my understanding this is being introduced in the Council, April 9, 1974.

Attorney Larry Shine will be contacting Max regarding the project.

BOARD OF PUBLIC WORKS

CLERK

attachment: 1

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مکالمہ ایڈیشن

recently released - July 11, 2013

not make up to an 18 battery until the end of December.

• Itinerarii și ai băuturilor potrivite anului săptămânal și săptămânal.

...conseguir que el sistema sea más eficiente y más sostenible (y no al revés).

2023 RELEASE UNDER E.O. 14176

1962-1963

Number assigned by Dave Keller's office: # 3373

REQUEST FOR ACTION

To: City Attorney David B. Keller  
or  
Associate City Attorney \_\_\_\_\_  
Mr. Ralph Blume / 344 Utility Building

From: (Name, Title & Department) \_\_\_\_\_  
City Plan Commission / Room # 880  
City-County Building / One Main Street / Ft. Wayne, Indiana 46802

Approved by Richard J. Blume  
(Person authorized to forward legal work)

Date: March 26, 1974

Subject: Preparation of an ordinance for an alley vacation.  
(File subject designation)

\* \* \* \* \*

File # Assigned by Records Librarian

Date: \_\_\_\_\_

\* \* \* \* \*

Action Requested: Preparation of an ordinance for an alley vacation for  
Introduction into council.

(Continue on reverse side, if necessary)

cc: City Attorney David B. Keller  
(If request originally sent to an Associate City Attorney)  
Mayor Ivan A. Lebamoff  
Department Head of Requesting Party



Number assigned by Dave Keller's office: # 3373 Admn. Appr.

TITLE OF ORDINANCE Alley vacation ordinance

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE Preparation of an alley vacation ordinance petition

initiated by property owners to vacate alley described as follows:

The North-South alley, approximately twelve (12) feet in width, between Rathert Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

EFFECT OF PASSAGE Alley would be closed and utilized by surrounding property owners.

EFFECT OF NON-PASSAGE Alley would remain open.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.)





THE CITY OF FORT WAYNE  
office of city plan commission

March 26, 1974

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

The North-South alley, approximately twelve (12) feet in width, between Rathert Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

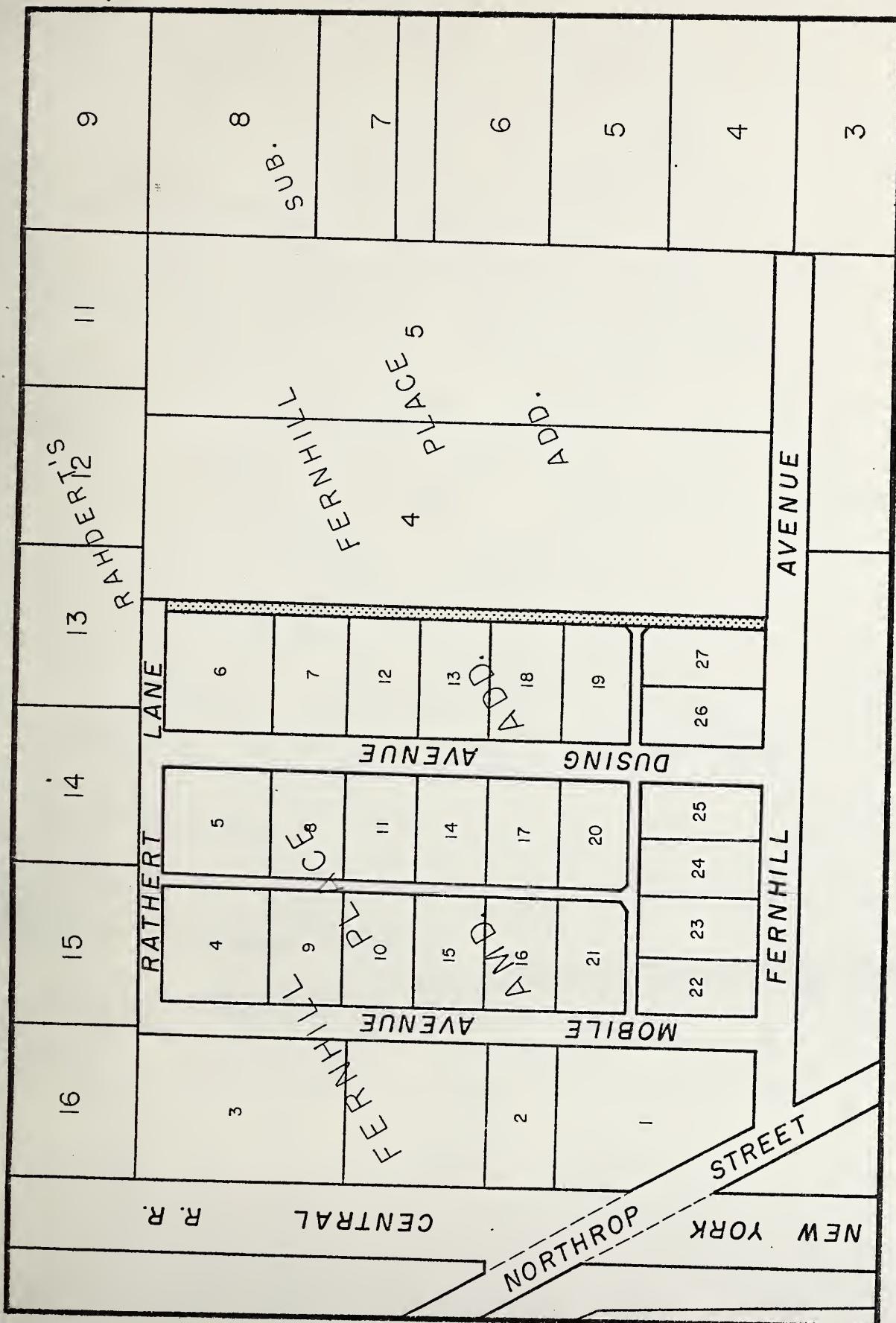
which was approved by the City Plan Commission at its regular meeting held March 25, 1974.

Respectfully submitted,  
CITY PLAN COMMISSION

Certified and signed this  
26th day of March, 1974.

*George H. Roser*  
\_\_\_\_\_  
George H. Roser  
Secretary





ALLEY TO BE VACATED



STATE OF INDIANA)  
                            ) SS:  
COUNTY OF ALLEN )

BEFORE THE CITY PLAN COMMISSION  
OF THE CITY OF FORT WAYNE,  
INDIANA and THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE,  
INDIANA

PETITION TO VACATE ALLEY

Comes now LAKE COUNTY TRUST COMPANY, not individually but as Trustee under a Trust Agreement dated December 16, 1968, and known as Trust No. 1471, by Landau, Heyman & Clay, Inc., its authorized agent, and hereby petitions the City Plan Commission of the City of Fort Wayne and the Common Council of the City of Fort Wayne, Indiana, for the vacation of that certain public alley located in the City of Fort Wayne, Allen County, Indiana, and described as follows:

The North-South alley, approximately twelve (12) feet in width, between Rathert Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

In support of its petition, Petitioner represents as follows:

1. That your petitioner is the fee simple owner of Lot No. 4 in Fernhill Place Addition, according to the plat thereof recorded in Plat Record 6, page 30, in the office of the Recorder of Allen County, Indiana.

2. That your petitioner is the owner of Lots No. 6, 7, 12 and 13 in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

3. That Harry Papier, Agnes Papier and Barb Papier are the owners of Lot No. 18 in Fernhill Place Amended Addition,



Ernest R. Verhest and M. M. Verhest are the owners of Lot No. 19 in Fernhill Place Amended Addition, and Raymond Junk and M. Junk are the owners of Lot No. 27 in Fernhill Place Amended Addition, all according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

4. That your petitioner and the said Harry Papier, Agnes Papier, Barb Papier, Ernest R. Verhest, M. M. Verhest, Raymond Junk, and M. Junk, are the owners of all the real estate abutting on either side of said alley.

5. That the alley to be vacated has never been improved, has rarely been open to the public, is not needed for ingress or egress or as a right-of-way to your petitioner, or to any of the abutting property owners, or to any of the citizens of the City of Fort Wayne, Indiana; and that it is petitioner's belief that the vacation of said alley is not required for the growth of the City of Fort Wayne nor necessary for ingress and egress to any real estate within the City.

6. That your petitioner has reason to believe that a sewer line exists beneath a portion of the alley proposed to be vacated, and that your petitioner will co-operate fully in granting to the City of Fort Wayne, Indiana, an easement for the purpose of maintaining said sewer line.

7. That your petitioner believes that the vacation of said alley will enable your petitioner and all abutting land owners to said alley to make advantageous and proper development of the property for the public and private interest of the City of Fort Wayne, Indiana.



8. That your petitioner has filed with the Board of Public Works of the City of Fort Wayne a petition in regard to the vacation of this alley and has requested appropriate resolution and action by the Board of Public Works of the City of Fort Wayne, Indiana.

WHEREFORE, the undersigned, Lake County Trust Company, prays for the vacation of this alley according to the provisions of the Indiana law pertaining thereto and for all other proper relief.

LAKE COUNTY TRUST COMPANY,  
Trustee under Trust Agreement  
dated December 16, 1968, known  
as Trust No. 1471 by Landau,  
Heyman & Clay, Inc., its duly  
authorized agent.

By   
Edwin Rousseau  
Agent for Landau, Heyman  
& Clay, Inc.



RESOLUTION

WHEREAS, LAKE COUNTY TRUST COMPANY, Trustee under a Trust Agreement dated December 16, 1968, known as Trust No. 1471, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Allen County, Indiana, to-wit:

The North-South alley, approximately twelve (12) feet in width, between Rathert Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana;

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on March 25, 1974, at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved;



BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

STATE OF INDIANA)  
                      ) SS:  
COUNTY OF ALLEN )

I, Alan R. Grinsfelder, President of the Fort Wayne City Plan Commission, do hereby certify that the attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission on March 25, 1974, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 26th DAY OF March, 1974.

FORT WAYNE CITY PLAN COMMISSION

Alan R. Grinsfelder  
\_\_\_\_\_  
Alan R. Grinsfelder, President



NOTICE OF PUBLIC HEARING

Notice is hereby given that the FORT WAYNE CITY PLAN COMMISSION will conduct a public hearing on the 25th day of March, 1974, at 7:30 p.m. in the Board of Public Works Conference Room, 9th Floor, City-County Building, Fort Wayne, Indiana, on the vacation of the following described public alley situated in Allen County, Indiana, to-wit:

The North-South alley, approximately twelve (12) feet in width, between Rathert Lane and Fernhill Avenue, located in Fernhill Place Amended Addition, according to the plat thereof recorded in Plat Record 14, page 129, in the office of the Recorder of Allen County, Indiana.

Interested persons are invited to attend said hearing and be heard. Following such hearing said Fort Wayne City Plan Commission will forward its recommendation to the governing body having jurisdiction over streets in said area.

FORT WAYNE CITY PLAN COMMISSION

George H. Roser, Secretary



M E M O R A N D U M

DATE: April 8, 1974

TO: Edna Smith / Board of Works

FROM: Patsie Rumsey / City Plan

Subject: Alley vacation

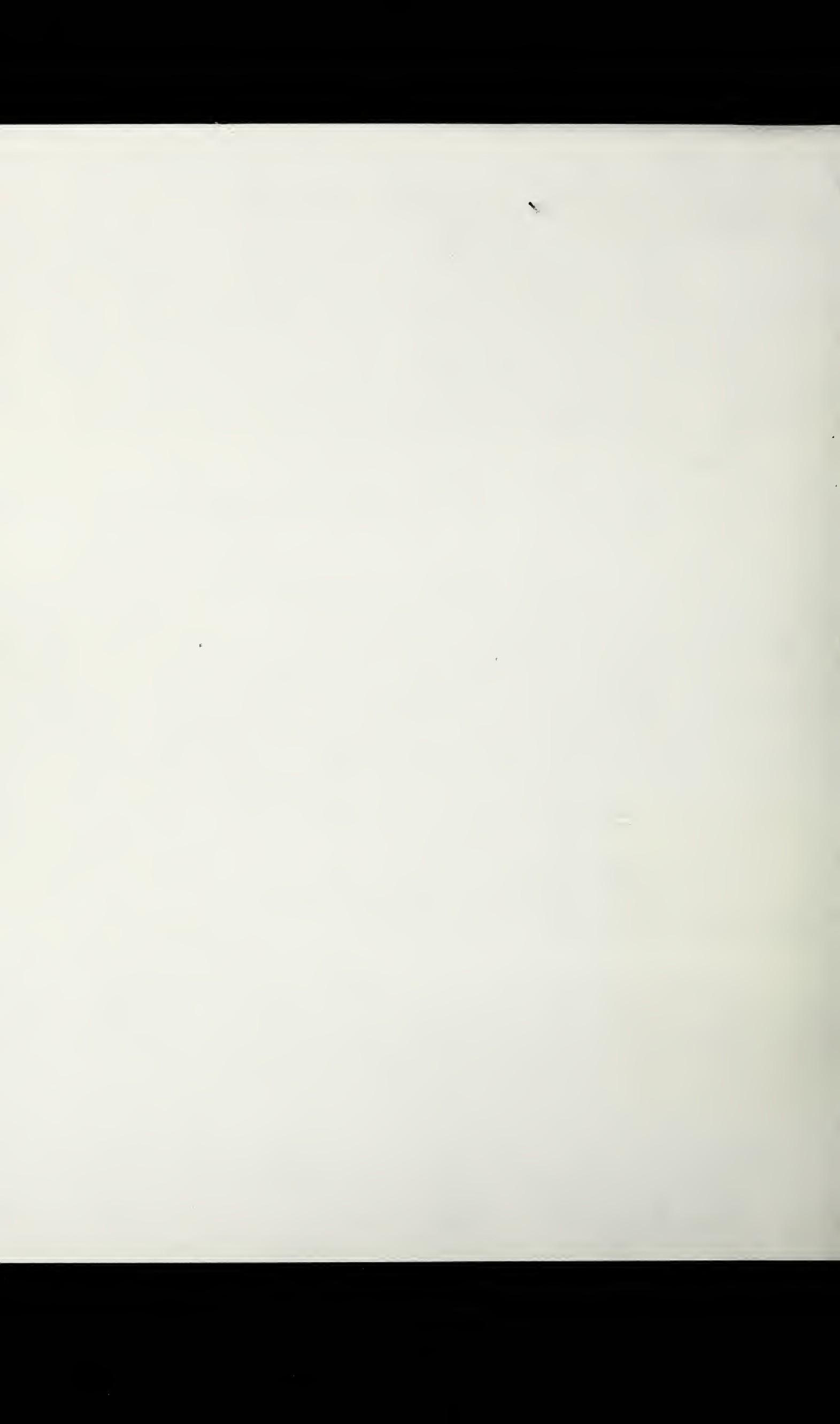
Attached:

1. Petition to vacate alley - original and one (1) copy
2. Notice of public hearing held by the City Plan Commission on March 25, 1974
3. Resolution adopted by the City Plan Commission at meeting held March 25, 1974
4. Request for Action  
Digest Sheet  
Communications from City Plan letter  
Map

This was sent to the Common Council on March 26, 1974

Petition is now being submitted to the Board of Public Works

Attorney representing petitioners is: Larry Shine  
200 Strauss Bldg.,  
Ft. Wayne, Indiana 46802  
422-7521



1  
2  
3  
4 BILL NO. G-74-04-17

5 GENERAL ORDINANCE NO. G- 09-74.

6 AN ORDINANCE amending General Ordinance  
7 No. G-97 by authorizing the vacation of  
a certain alley in the City of Fort Wayne

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
9 WAYNE, INDIANA:

10 SECTION 1. Petition for the vacation of a certain alley  
11 having been filed with the Fort Wayne City Plan Commission, and  
12 resolution having been duly adopted by the Fort Wayne City Plan  
13 Commission on March 26, 1974 following a public hearing thereon,  
14 all in accordance with Section 44, Chapter 174, of the Acts of the  
15 General Assembly of the State of Indiana, as amended by Section 3,  
16 Chapter 385, of the Acts of 1963 of the General Assembly of the  
17 State of Indiana (Burns Ind. Stat., 1964 Replacement, Sec. 53-744),  
18 the Thoroughfare Plan as set forth in General Ordinance No. G-97  
19 adopted by the Common Council of the City of Fort Wayne on November  
20 26, 1963, is amended by deleting the following public alley in  
21 Fort Wayne, Allen County, Indiana, to-wit:

22 The North-South alley, approximately twelve (12) feet  
23 in width, between Rathert Land and Fernhill Avenue,  
24 located in Fernhill Place Amended Addition, according  
to the plat thereof recorded in Plat Record 14, page 129,  
in the Office of the Recorder of Allen County, Indiana

25 SECTION 2. After passage of this Ordinance, approval by  
26 the Mayor and legal publication, a duly certified copy of this  
27 Ordinance, of the recommendation of the Fort Wayne City Plan Com-  
28 mission, and of the action of the Mayor, shall be transmitted by  
29 the City Clerk to the Board of Public Works of the City of Fort  
30 Wayne, Indiana.

31 SECTION 3. This Ordinance shall be in full force and  
32 effect from and after its passage, approval by the Mayor and legal  
33 publication thereof.

34  
35   
John G. Schell  
Councilman

APPROVED AS TO FORM  
AND LEGALITY

H. B. Co.  
CIT. ATTORNEY



Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 4-9-74

Charles W. Wettemann  
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage.

Passed (E.S.T.) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	to-wit:
BURNS	✓	_____	_____	_____	_____
HINGA	✓	_____	_____	_____	_____
KRAUS	✓	_____	_____	_____	_____
MOSES	✓	_____	_____	_____	_____
NUCKOLS	✓	_____	_____	_____	_____
SCHMIDT, D.	✓	_____	_____	_____	_____
SCHMIDT, V.	✓	_____	_____	_____	_____
STIER	✓	_____	_____	_____	_____
TALARICO	✓	_____	_____	_____	_____

DATE: 4-23-

Charles W. Wettemann  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 1-09-74 on the 23rd day of April, 1974.

ATTEST: (SEAL)

Charles W. Wettemann  
CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of April, 1974, at the hour of 11:45 o'clock A.M., E.S.T.

Charles W. Wettemann  
CITY CLERK

Approved and signed by me this 24th day of April, 1974, at the hour of 11:45 o'clock A.M., E.S.T.

J.W. Gandy  
MAYOR



Ft. Wayne Board of Public Works  
(Governmental Unit)

To..... JOURNAL-GAZETTE Dr.

Allen ..... County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head	number of lines	1
Body	number of lines	30
Tail	number of lines	6
Total number of lines in notice		<u>37</u>

## COMPUTATION OF CHARGES

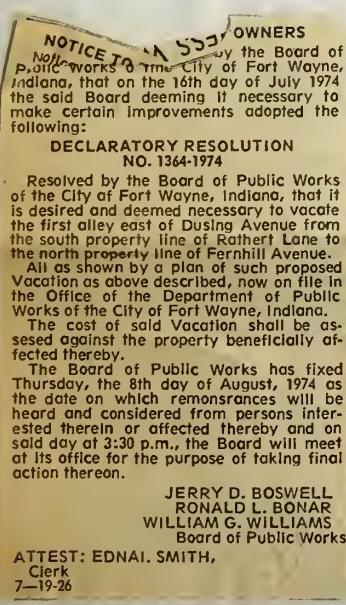
37	lines, 1 columns wide equals 37 equivalent lines at .288¢	\$ 10.66
cents per line		\$
Additional charge for notices containing rule or tabular work (50 per cent of above amount)		_____
Charge for extra proofs of publication (50 cents for each proof in excess of two)		_____
<b>TOTAL AMOUNT OF CLAIM</b>		<b>\$ 10.66</b>

## DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type <u>5½</u> point
Number of insertions <u>2</u>	Size of quad upon which type is cast <u>5½</u>

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 29, 19 74Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana } ss:  
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city FORT WAYNE of INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

7/19-26/74

Subscribed and sworn to before me this 20th day of July 19 74  
Elmer C. Kolender  
Notary Public

My commission expires October 25, 1975

Claim No..... Warrant No.....

IN FAVOR OF

I have examined the within claim and hereby certify as follows:  
That it is in proper form.  
That it is duly authenticated as required by law.  
That it is apparently } Correct  
                        } Incorrect

\$ .....

On Account of Appropriation for

Appropriation No.....

Allowed....., 19.....

In the sum of \$ .....

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR

SIZE OF TYPE	11 Em Column (132 Points) Number of Insertions			
	1	2	3	4
5½	.192	.288	.384	.480
6	.176	.264	.352	.440
7	.151	.227	.302	.378
7½	.14	.21	.28	.35
8	.132	.198	.264	.33
9	.117	.176	.234	.293
10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

Ft. Wayne Board of Public Works  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head	number of lines	<u>1</u>
Body	number of lines	<u>30</u>
Tail	number of lines	<u>6</u>
Total number of lines in notice		<u>37</u>

## COMPUTATION OF CHARGES

37 lines, 1 columns wide equals 37 equivalent lines at .288¢ cents per line	\$ 10.66
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	
<b>TOTAL AMOUNT OF CLAIM</b>	
	\$ 10.66

## DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type $5\frac{1}{2}$ point
Number of insertions 2	Size of quad upon which type is cast $5\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 29, 1974

Title CLERK

**NOTICE TO PROPERTY OWNERS**  
 Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 16th day of July 1974 the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION  
NO. 1364-1974

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that if desired and deemed necessary to vacate the first alley east of Diving Avenue from the south property line of Rutherford Lane to the north property line of Fernhill Avenue.

All as shown by a plan of such proposed vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said vacation shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, the 8th day of August, 1974 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

JERRY D. BOSWELL  
RONALD L. BONAR  
WILLIAM G. WILLIAMS  
Board of Public Works

ATTEST: EDNAI. SMITH,  
Clerk  
7-19-74

OF  
HERE

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DE WALDE who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published

in the English language in the city } of FORT WAYNE, INDIANA  
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s the dates of publication being as follows:

7/19-26/74

Subscribed and sworn to before me this 29th day of July 1974

Notary Public

My commission expires October 25, 1975

Claim No.....      Warrant No.....

IN FAVOR OF

I have examined the within claim and hereby certify as follows:  
That it is in proper form.  
That it is duly authenticated as required by law.  
That it is apparently } Correct  
                        } Incorrect

\$.....

On Account of Appropriation for

Appropriation No.

Allowed....., 19.....

In the sum of \$.....

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

196

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR

SIZE OF TYPE	11 Em Column (132 Points) Number of Insertions			
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5½	.192	.288	.384	.480
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12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

Ft. Wayne Board of Public Works  
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen ..... County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

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Head	number of lines	1
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Tail	number of lines	6
Total number of lines in notice		37

## COMPUTATION OF CHARGES

.37.....lines, 1.....columns wide equals .37.....equivalent lines at...28¢....cents per line \$ 10.66

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

**TOTAL AMOUNT OF CLAIM** \$ 10.66

## DATA FOR COMPUTING COST

Width of single column 11 ems Size of type..... $5\frac{1}{2}$ .....point

Number of insertions.....2.....Size of quad upon which type is cast..... $5\frac{1}{2}$ .....

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*V.E. Gerken*

Date.....July 29....., 19 74.....

Title.....Clerk.....

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County

Personally appeared before me, a notary public in and for said county and state, the undersigned.....V.E. Gerken.....who, being duly sworn, says

that.....She is.....Clerk.....of the NEWS-SENTINEL.....

a.....newspaper of general circulation printed and published in the English language in the city } of.....FORT WAYNE, INDIANA.....

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for.....TWO.....

time.....S....., the dates of publication being as follows:

7/19-26/74

*V.E. Gerken*

Subscribed and sworn to before me this.....29th.....day of.....July.....19 74.....

*Edna C. Reinker*

Notary Public

My commission expires.....October 25, 1975.....

ATTEST: EDNAI. SMITH,  
Clerk  
7-19-74

NOTICE TO PROPERTY OWNERS  
Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 16th day of July 1974 the said Board deeming it necessary to make certain improvements adopted the following:

DECLARATORY RESOLUTION  
NO. 1364-1974

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the first alley east of Dusing Avenue from the south property line of Rathert Lane to the north property line of Fernhill Avenue.

All as shown by a plan of such proposed Vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Vacation shall be assessed against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, the 8th day of August, 1974 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

JERRY D. BOSWELL  
RONALD L. BONAR  
WILLIAM G. WILLIAMS  
Board of Public Works

ATTEST: EDNAI. SMITH,  
Clerk  
7-19-74

OF  
HERE

Claim No..... Warrant No.....

IN FAVOR OF

I have examined the within claim and hereby certify as follows:  
That it is in proper form.  
That it is duly authenticated as required by law.  
That it is apparently } Correct  
} Incorrect

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

196

TABLE SHOWING PRICE PER LINE AND PER INSERTION FOR

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Note: Above table is based on a square of 250 ems.

Ft. Wayne Board of Public Works  
(Governmental Unit)

To ..... NEWS-SENTINEL ..... Dr.

Allen ..... County, Ind.

..... FORT WAYNE, INDIANA .....

## PUBLISHER'S CLAIM

## LINE COUNT

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Total number of lines in notice		<u>37</u>

## COMPUTATION OF CHARGES

37 lines, 1 column wide equals 37 equivalent lines at .288¢  
cents per line \$ 10.66

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

**TOTAL AMOUNT OF CLAIM** \$ 10.66

## DATA FOR COMPUTING COST

Width of single column 11 ems Size of type  $5\frac{1}{2}$  point

Number of insertions 2 Size of quad upon which type is cast  $5\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*J. E. Gerken*

Date July 29, 1974

Title Clerk

**NOTICE TO PROPERTY OWNERS**  
Notice is hereby given by the Board of Public Works of the City of Fort Wayne, Indiana, that on the 16th day of July 1974 make certain improvements adopted the following:

**DECLARATORY RESOLUTION**  
NO. 1364-1974

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the first alley east of Dusing Avenue from the south property line of Rutherford Lane to the north property line of Fernhill Avenue. All is shown by a plan of such proposed

Vacation as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said vacation shall be apportioned against the property beneficially affected thereby.

The Board of Public Works has fixed Thursday, the 8th day of August, 1974 as the date on which remonstrances will be heard and considered from persons interested therein or affected thereby and on said day at 3:30 p.m., the Board will meet at its office for the purpose of taking final action thereon.

JERRY D. BOSWELL  
RONALD L. BONAR  
WILLIAM G. WILLIAMS  
Board of Public Works

ATTEST: EDNAI. SMITH,  
Clerk  
7-19-74

OF  
HERE

## PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned..... V.E. Gerken..... who, being duly sworn, says

that..... She is..... Clerk..... of the

NEWS-SENTINEL.....

a..... DAILY..... newspaper of general circulation printed and published in the English language in the city } of..... FORT WAYNE, INDIANA.....

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for..... two..... time....., the dates of publication being as follows:

7/19-26/74

Subscribed and sworn to before me this 29th day of July 1974.

*J. E. Gerken*  
*Elmer C. Robinske*  
Notary Public

My commission expires October 25, 1975.

Claim No..... Warrant No.....

IN FAVOR OF

I have examined the within claim and hereby certify as follows:  
That it is in proper form.  
That it is duly authenticated as required by law.  
That it is apparently } Correct  
} Incorrect

\$ .....

On Account of Appropriation for

Appropriation No.

Allowed....., 19.....

In the sum of \$ .....

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

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10	.106	.159	.212	.265
12	.088	.132	.176	.22

Note: Above table is based on a square of 250 ems.

## DECLARATORY

**Improvement Resolution No. 1364-74 For** THE VACATION OF THE FIRST ALLEY EAST OF DUSING AVENUE, FROM THE SOUTH PROPERTY LINE

of RATHER LANED TO THE NORTH PROPERTY LINE OF FERNHILL AVENUE.

	OWNER'S NAME	ADDRESS	NUMBER OF			DESCRIPTION
			LOT	BLOCK	O.L.	
1	LAKE COUNTY TRUST CO. 70	GOLANDAU HEYMAN CLAY INC 120 SOUTH LASALLE ST CHICAGO ILL 60603	4			FERNHILL PLACE ADD
2	u u u u u		6			
3	u u u u u		7			FERNHILL PLACE ADD, ADD,
4	u u u u u		12			
5	u u u u u		13			
6	PAPIER, HARRY & AGNES L. HARRY RAY, BARBARA A	3926 MOBILE AVE ->	18			
7	VERHEST, ERNEST P. MARY M.	3912 DUESING	19			
8	JUNK, RAYMOND T. & MARGARET L.	205 FERNHILL AVE ..	27			
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54	NOTICES MAILED OR SERVED					
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		TOTAL				

1364-74